

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA :
vs. : CRIMINAL ACTION 09-00186-WS
JACQUES MONSIEUR :

ORDER ON ARRAIGNMENT

On this date, Defendant, **Jacques Monsieur**, appeared in person in open Court with **retained counsel, Arthur Madden**, and was arraigned in accordance with Fed.R.Crim.P. 10. Appearing for the Government was **Assistant U. S. Attorney Gregory Bordenkircher**.

PLEA. The Defendant entered the plea of **NOT GUILTY.**

Counsel for Defendant is requested to contact the Assistant U. S. Attorney assigned to this action immediately if Defendant intends to engage in plea negotiations. If Defendant decides to change this plea, the parties shall file a Notice of Intent to Plead Guilty not later than the pretrial conference; the action will then be set for a change of plea before a District Judge¹. **Guilty pleas will be set before the District Judge sometime during the week of October 19-23, 2009.**

TRIAL. This action is set for trial during the **November 2009** criminal term, **commencing with jury selection at 8:45 a.m. on November 2, 2009.** The final jury selection and trial schedule will be published by the presiding District Judge not later than the Wednesday prior to the week of jury selection.

DISCOVERY. Discovery in this action shall be conducted according to the requirements of Local Rule 16.13. The Government is **ORDERED** to tender the required initial disclosures to Defendant not later than **September 11, 2009**. Disclosures by the Defendant, required in Local Rule 16.13(b)(4), shall be tendered not later than **September 22, 2009**. The Government has

¹Counsel are reminded that the Sentencing Guidelines allow for an additional one point reduction in the offense level for qualifying defendants who timely assist authorities in the investigation or prosecution of the charged misconduct. U.S.S.G. 3E1.1(b).

agreed to provide defense counsel with all Jencks Act statements not later than the day the trial commences.

PRETRIAL MOTIONS. All pretrial motions under Fed.R.Crim.P. 12(b), 14, and 16; all notices under Fed.R.Crim.P. 12.1, 12.2, and 12.3 and Local Rule 16.12 (entrapment); and motions to compel pursuant to Local Rule 16.13(d) must be filed not later than **September 22, 2009**. No motion filed after this date will be considered unless filed with leave of Court. **Any discovery motion not containing the required conferencing certificate will be stricken.**

PROBATION OFFICE CONFERENCE. The U. S. Probation Officer assigned to this action is **Morris Northcutt**. A Probation Office conference is scheduled to be conducted in the office of the assigned Probation Officer on **September 25, 2009, at 8:30 a.m.**, at which time **Defendant, defense counsel, and counsel for the Government are ORDERED to meet with the Probation Officer** to discuss the application of the Sentencing Guidelines. The date and time of this conference can be modified only with the consent of the Probation Officer, but in no event will this conference be conducted within two days prior to the pretrial conference.

PRETRIAL CONFERENCE. A pretrial conference is scheduled in the office of the undersigned Judge on **October 14, 2009, at 8:30 a.m.** Defense counsel and counsel for the Government shall be prepared to discuss all pending motions and discovery problems, possible stipulations, estimated length of the trial, change of plea, and any other preliminary matters. Defendant may attend this conference, but his presence is not required. Counsel who want in-custody Defendants to attend must notify the undersigned Judge within three days of the conference date so that an order to produce can be issued to the United States Marshal. **The parties are expected to give a firm commitment at the pretrial conference as to the final disposition of this action.**

Motions for a continuance will be considered only if filed prior to the pretrial conference and are accompanied by a separately-filed proper Speedy Trial Act waiver signed by defense counsel and Defendant. No action will be continued except under extraordinary circumstances and only for good cause shown.

MANDATORY APPEARANCE OF COUNSEL. Counsel of record for all parties are **ORDERED** to appear at all future Court proceedings in this criminal action. Counsel who find it impossible to be in attendance (especially at the Probation Office conference, pretrial conference, jury selection, or trial) must make

arrangements to have substitute counsel appear on behalf of their clients. Any attorney who appears as substitute counsel shall have full authorization from Defendant to act on his or her behalf and be fully prepared to proceed. Substitute counsel shall not be counsel for a co-Defendant unless permitted by the Court on motion by Defendant.

LOCAL RULES/STANDING ORDERS. All parties are reminded that the Local Rules and Standing Orders of this Court contain important requirements concerning discovery, representation of defendants, and other matters pertaining to criminal proceedings. They are found on the Court's website, <http://www.alsd.circ11.dcn/Local Rules/Standing Orders>.

DONE this 10th day of September, 2009.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE